



UNITED STATES PATENT AND TRADEMARK OFFICE

50
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,903	06/29/2001	Hiroyuki Irie	1466.1040	4931
21171	7590	07/20/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				CALDWELL, ANDREW T
ART UNIT		PAPER NUMBER		
2142				

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,903	IRIE ET AL.	
	Examiner	Art Unit	
	Andrew Caldwell	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 1-10, 12 is/are allowed.
- 6) Claim(s) 11 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Art Unit: 2142

1 **DETAILED ACTION**

2 Claims 1-12 are pending.

3 The indicated allowability of claim 11 is withdrawn. A new rejection appears
4 below.

5

6 ***Claim Rejections - 35 USC § 101***

7 35 U.S.C. 101 reads as follows:

8 Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
9 matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
10 conditions and requirements of this title.

11

12 Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is
13 directed to non-statutory subject matter. Claim 11 is directed to a computer program
14 that is not tangibly embodied in a computer readable medium and is therefore non-
15 statutory.

16

17 ***Allowable Subject Matter***

18 Claims 1-10 and 12 are allowed for the reasons given by the previous examiner
19 in the vacated notice of allowability.

20

21 ***Conclusion***

22

23 Any inquiry concerning this communication or earlier communications from the
24 examiner should be directed to Andrew Caldwell, whose telephone number is (571)
25 272-3868. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.
26 EST.

27

28 The fax number for Group 2100 is as follows:
29

Art Unit: 2142

1 Fax Responses: 571-273-8300
2

3 Any general inquiry relating to the status of this application can be answered
4 using Patent Application Information Retrieval (PAIR) system, which is available at the
5 USPTO web site. Any questions on using the PAIR system should be directed to the
6 Patent Electronic Business Center toll free at (866) 217-9197.

7
8 *Andrew Caldwell*
9
10

12 Andrew Caldwell
13 571-272-3868
14 July 18, 2005

15
16